G. R. S. 59] GP$_B$—15,000—20 12 13

GENERAL AND REVENUE SECRETARIAT.

1914 - 15 -
(Bombay)

File No. 306-14

Serial Nos. 9

Papers Filed.

Month_____

SUBJECT.

Visit of the Journalists of the Ottawa matter
and re
the decree passed against the matter
by the Chief Court

PREVIOUS REFERENCES. LATER REFERENCES

GENERAL AND REVENUE SECRETARIAT.

NOTES

File No

FILL HEADING.

Decrees standing against the Sri Vittaradi matha and other matters relating to that matter

From

No. 910 Dated [illegible] Received 8-1-15

Diary No. Miller No. 25 4-1-15 | Enclos 1 | Spare Copies. — | Serial No. 9

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Notes—First Sheet.

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To no. 970 & 15-1-15

REPLY.

(To be written on this margin.)

Confidential

Mus Reg 25
19/1-15

Office of the Dewan of Mysore.

NOTE.

Dated 13th January *191*5.

The accompanying extract from "New India" of the 6th January in the matter of a decree passed by the Chief Court several years ago against the Swami of the Uttaraji Mutt is forwarded to the Secretary, General and Revenue Departments.

I shall be glad to have a note from the Muzrai branch on the points raised in the extract and also as to whether any action is due from Government at this distance of time.

13/1/15

Secretary,

Gen. & Rev. Deptts.

For a note to Br VII — before the 19th inst

15/1

Suptt.

15/1

New India — 6th January 1915.

3

EVENTS IN MYSORE

(From Our Correspondent)

BANGALORE, JAN. 4.

Intimation has been received in Bangalore that His Holiness Sri Uttaradi Mutt Swamy has left Rameswaram ter a stay of one week, during which time His Holiness invited a large number of Pandits from all parts of India for a religious congregation.

That congregation is said to have affected the Madwa Sabha at Tiruchanur in Tirupathi, as many Pandits availed themselves of the Guru's invitation. His Holiness has been invited to Tinnevelly by Zamindar Mr. Rangaratha Rao Saib, who has requested him to celebrate Sri Madwanavami in his mansion and he has agreed to defray all the expenses connected with the celebration The Swami has accepted his hospitality and is proceeding thither In this connection, it is not out of place to mention that His Holiness has been obliged to neglect his disciples in the Province of Mysore and, although His Holiness has expressed his desire of visiting Bangalore, the desire cannot be consummated, as the decree obtained in the Mysore Chief Court is kept alive by constant renewal. Competent critics have remarked that the Government of Mysore have behaved very arbitrarily and unreasonably too, in the matter of settling the disputes between His Holiness and his servants at Holi Narasipur The main points at issue are that some of the hereditary servants of the Swami at Holi Narasipur, have obtained a decree in the Chief Court for a large sum amounting to Rs. 50,000, to compensate for loss of service, deprivation of emoluments and other perquisites due to their office in the Mutt. The Swami resents this interference on the part of the Chief Court. The Government of Mysore interfered, assumed jurisdiction, ordered the attachment of inam villages but relinquished them all the same after a few years. The Government of Mysore also took some time, in recognising the succession of the present Swami to his exalted position as the presiding Guru of an important influential and rich Mutt. Feelings therefore on both sides are strained. The disciples of the Swamy, among whom are such well-known personages as Messrs. T. Ananda Rao, C. I. E, Dewan Bahadur Krishnaswami Rao, C. I. E., the Hon Mr. Rodda of Bombay and, the Hon. Mr. Srinivasa Naick of Bombay, feel the absence of the Swami in Mysore Province. Under the command of His Holiness, I waited on the Swami at Tirupathi and His Holiness has been pleased to say that he will agree to a compromise, provided the question of compromise is approached by his Holi Narasipur disciples in a spirit of repentance and earnestness. The decree is there, passed by the highest Court in the land, against a powerful Guru, whose person is sacred and inviolable and, as such, not liable for attachment. The decree therefore is rendered powerless, and a well-known lawyer of Bellary remarked that the Government of Mysore exceeded their powers in assuming jurisdiction over the Swami's properties when those properties are extensive and lie beyond the Province. As a layman, I am not a competent authority but I may safely say that people have grown anxious to see the sacred image of Sri Rama, and they look up to the talented Dewan and a forgiving Maharaja and his generous brother the Yuvaraja to move in the matter and not to allow things to take their own course.

The prestige of the Mysore Chief Court has suffered because its decree could not be executed and the people are again dissatisfied Such a state of things do not conduce to the healthy growth of society.

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The cutting touches upon 3 points viz
(i) decrees obtained by certain servants of the matha against the Swamigalu
(ii) Assumption of the matha's endowments under Govt. management
(iii) Succession of the Present Swamigalu & the High Priesthood of the matha

Govt. orders No 1621-34 & 9 11.04, No 3779-92½ Mur.7. 3-1902 & 9.3.06 and No. 1807-20/Mur.7. 162-06-2 dated 25-Jan:10 explain in detail matters (i) and (ii). Mur.7 91 of 09 is also put up as it deals with the warrant of attachment of monies belonging to the matha.

Mur.7 No. 386-11 deals with the succession of the Present Swamigalu & the matha, and there does not seem to have been any delay in sanctioning the succession

19.1.15

Put up file relating to the G.O of 25th June 1910.

19.1.15

all connected files are sub.

20.1.15

NOTE—Contn. sheet.

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Under Secretary's Note.

The correspondent's letter under date January 4 published in the Issue of "New India" of 6th January 1915, so far as it relates to the position of the Uttaradi Mutt, is at once ill informed and out of date. It is true that the Mysore Government attempted a settlement of certain decretal claims against the Mutt, put forward by some of the hereditary servants of the Mutt in their order of 9th March 1906. There was neither unreason nor arbitrariness, as the order was based on a compromise arrived at, under the express wishes of the then Swamy. This order was subsequently revised on a review petition from the succeeding Swamy and the status quo ante concerning the settlement of the claims ~~were~~ was restored, vid Government Order No.1807-20/Muz.F.162-06-2 dated 25th January 1910.

2. The cash grant and the Inam villages have been attached by Government partly to save the funds from sequestration at the instance of Mutt's judgment creditors, and partly owing to mismanagement, ~~of~~ the former in 1894 and the latter in 1904. The order of 9th March 1906 contemplated their restoration

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restoration to the Mutt, but this was also modified in the subsequent order of 25th January 1910, as the reasons for their original attachment still continued. The cash grant and the Inam villages thus continue still under attachment. In these orders the Government have not exceeded their authority as they confined themselves solely to the land and cash Inams, granted by them for the benefit of Sri Ramadevaru of the Mutt.

3. As regards the action of the Chief Court, everything was done in due course of Law, the Mutt itself being represented as a party. If the Swamy would not obey the decisions of the highest constituted authority and rendered its decrees nugatory by persistent residence outside, it is the credit of the Mutt that has been at stake, not the prestige of the Chief Court, who have to base their decisions on considerations of absolute right rather than of expediency. It is stated that the decrees are still kept alive. There is no information on this subject available in this office but it is surmised that many of the decrees would have been extinguished by lapse of

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time.

4. Again it is alleged that the Government took an unnecessarily long time in recognizing the succession of the present Swamy to the Gurushıp. As a matter of fact the incident relates to the Swamy's predecessor who was installed without the previous approval of the Government and to a certain extent, in defiance of the express desire and standing orders of Government to this effect. The recognition was however extended some time later and, as regards the present Swamy there has been no appreciable delay. The statement that feelings are strained on both sides needs no comment, as being palpably misleading, if one of the sides referred to is the Government.

5. From the above it will be seen that the statements made in the extract are loose, incoherent and pointless and not strictly according to facts. The aim of the correspondent is not quite clear except, as an invitation thrown out to the judgment creditors to supplicate the Swamy for a compromise and incidentally to keep out the Government from any action on their behalf.

6. The next point for consideration is

whether any action is due from Government at this distance of time. The connected files herewith put up, contain elaborate memoranda detailing the action taken by Government from time to time. For the purposes of the present note, a few salient facts may however be recaptulated.

(a) The Uttaradi Mutt had on its establishment, a number of hereditary servants who were remunerated partly by fixed payments and partly by percentages on the income of the Mutt. These servants being unremoveable at the pleasure of the Swamy, came to be a power in the Mutt and a check upon the Swamy's vagaries.

(b) In 1884 certain jewels belonging to the Mutt were stolen. Some of the hereditary servants were suspected of complicity and prosecuted but were acquitted by the Magistrate.

(c) The Swami however considered them guilty and dismissed them from their offices. They filed a suit in 1888 for restoration, but it was held that, though their offices were hereditary, they were rightly dismissed for proved misconduct. This decision was confirmed in appeal by the Chief Court.

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(d) In 1891 another suit was filed by the heirs of the dismissed office-holders claiming the offices and the endowments pertaining thereto. The hereditary nature of the offices was again declared by the original and appellate courts who also decreed the reinstatement of the claimants in the offices and payment of the emoluments.

(e) Soon after the decision of the Chief Court in 1897, the Swamy left for Nizam's dominions and the efforts of the decree-holders to execute the decrees have been unavailing. On a motion from the Chief Court in 1898 the Government considered it inadvisable to send the decrees for execution to the Nizam's Courts in the absence of information that such decrees were exemptable by those Courts.

(f) In 1894 the decree holders attempted to attach the cash allowance payable to the Mutt and on the Deputy Commissioner's reference the Government held that the grant being a Devadaya one, it was not liable to such attachments and ordered the Deputy Com-missioner to hold the same in deposit.

(g) The decree holders applied direct to the Nizam's Government for execution of

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the decrees but were told that they had to approach that Government through the British Residency.

(h) In 1899, the decree holders attached the income from the Inam villages and the Excise Revenue payable to the Mutt. The Mutt Agent pleaded the nonliability of these incomes on the score that they were also Devadaya grants, but the Court decided that the incomes which had accrued were liable though the lands themselves were not. This finding was upheld by the Chief Court in appeal. Some of the decree-holders succeeded in recovering small sums in satisfaction of their decrees from this source.

(i) Under the above situation and owing to persistent mismanagement of the Mutt affairs and the attitude taken by the Swamy in installing a successor without the previous approval of Government, the Government considered it necessary to attach all the land endowments made to the Mutt.- Vide Government Order No.1621-34 dated 9th November 1904. The recognition of the newly installed Swamy was also declined.

(j) In 1905, the Uttaradi Swamy deput a near relation of his to explain to

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Dewan the circumstances under which his successor came to be appointed without previous approval of Government and to express to him his desire that the Mutt disputes should be settled. After a detailed consultation with the Swamy's delegate and the hereditary servants, a settlement was arrived at which was embodied in Government Order No.3779-92½/M.F.3-19-02 dated 9th March 1906. The order accepted the explanation, recognized the succession of Sri Satya Gnana Theertha Sripadangalavaru to the Guruship, ordered the satisfaction of decretal claims from the income of the Mutt endowments within the State and advised the Swamigalu to restore the claimants to their respective offices.

(k) Information was being collected as regards the amounts payable to the various persons under the above order but before the order could be acted upon a review application was presented at the close of the year questioning on technical grounds the correctness of the order and disclaiming the liability of the Mutt (the old Swamy having died a few months later and being succeeded by a new Swamy).

(l) The case was argued at great length and after a great deal of deliberation Gov

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Government Order No.1807-20/Muz.F.162-06-2 was passed dated 25th January 1910. The order cancelled in toto the portions of the order of 9th March 1906 directing the enforcement of the decrees and the payment of remuneration for the periods subsequent to the decrees and incidentally the ~~orders~~ direction for the restoration to the Mutt of the cash grant and land Inam ~~were~~ was also withdrawn. The decree-holders were left to seek their remedy in the Civil Courts.

(m) As the result of execution proceedings taken by the decree-holders, the District Judge at Mysore and the Munsiff at Hole Narasipur attached certain moneys in the hands of Government and ~~the~~ it was held by Government in ~~the~~ 1910 that the moneys were not liable to satisfy the decrees sought to be executed and on the District Judge suggesting that a formal objection statement may be filed, the Government considered it unnecessary to institute any legal proceedings.

7. The above brief recapituation will clearly show what the position is, which has been taken up by Government in the matter. On the one hand the Government have held that neither the arrears of cash grant nor the

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income from the inam villages endowed to the Mutt are liable to be attached under the processes of Civil Courts. On the other hand the decree-holders have been told by Government to seek their remedy in the Civil Courts which in the circumstances of the case is confined to the execution of such decrees as are still alive at the time the Swamy may choose to visit the State. Even then the decree-holders can only proceed against such moveables as may be in the possession of the Swamy, his person being inviolable.

8. The decretal claims fall under two heads.

(1) The specific restoration of the claimants to the various offices and

(2) The payment to them of the emoluments of the office during the time they have been kept out. As regards the former ~~the~~ it is doubtful if the decree can be executed as more than 16 years have elapsed, Vide Section 48 Civil Procedure Code; in any case the matter is one which will have to be adjudicated upon afresh by the Civil Courts. As regards the money claims, there is no information as to the extent the

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have been kept alive, and as has been contended on behalf of the Mutt at the time of its review application, there may be various technical grounds of defence against such claims.

9. The situation being what it is, it appears to be impracticable and even impolitic for Government to move in the matter, at least ~~xxxxxx~~ suo motu . It is not unlikely that the Swamy has carefully thought out under competent advice the course he should follow and any suggestion from Government which may be in conflict with the views of the Mutt may not be appreciated. The Swamy has held ~~had~~ all along strong views against the restoration of the claimants to their offices, and it is just this portion of the decree which the Government cannot allow to be flouted if they move in the matter at all.

10. On the other hand the claimants are after all disciples of the Mutt, impoverished by years of litigation and may submit to compromise acceptable to the Mutt if left to themselves, and as was indicated previously this may well be the very object with which the letter under notice was written. If both the parties should move the Government to ~~xxxx~~

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specific action or to help in arbitrating between them it would then be graceful for Government to step in. In the meanwhile it appears to be sufficient if the situation ~~will~~ is closely watched.

Lauder Brunton
22.1.15.

Lord Crewe
Sec
22.1.15

First Member of Council

I do not see what we can do in the matter or why we should do anything at all except when moved in ordinary official course.
23/1/15 Draft 23/1 Sec 23/1

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25-1-15

Sec. Thanks
22.1.15. Sec Draft 3/2 Sec 3/2

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